

B

Agricultural
Clearance Manual

Appendix B

Extracts from CBP Regulations that Pertain to Agricultural Products

General

19 CFR 145.57 Regulations of Other Agencies

Certain types of plants and plant products, food, drugs, cosmetics, hazardous or caustic and corrosive substances, viruses, serums, and various harmful articles are subject to examination and clearance by appropriate agencies before release to the addressee (see Part 12 of this chapter).

Plants and Plant Products

19 CFR 12.10 Regulations and Orders of the Department of Agriculture

The importation into the United States of plants and plant products is subject to regulations and orders of the Department of Agriculture restricting or prohibiting the importation of such plants and plant products. Customs officers and employees shall perform such functions as are necessary or proper on their part to carry out such regulations and orders of the Department of Agriculture and the provisions of law under which they are made.

19 CFR 12.11 Requirements for Entry and Release

- A.** The importer or his representative shall submit to the director of the port of first arrival, for each entry of plants or plant products requiring a plant quarantine permit, a notice of arrival for any type of entry except rewarehouse and informal mail entries. Such notice shall be on a form provided for the purpose by the Department of Agriculture. The director of the port of arrival shall compare the notice of arrival which he receives from the importer or his representative with the shipping documents, certify its agreement therewith, and transmit it, together with any accompanying certificates or other documents pertaining to the sanitary status of the shipment, to the Department of Agriculture. The merchandise may not be moved, stored, or otherwise disposed of until the notice of arrival has been submitted and release for the

intended purpose has been authorized by an inspector of the Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs.

- B.** Where plant or plant products are shipped from the port of first arrival to another port or place for inspection or other treatment by a representative of the Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, and all Customs requirements for the release of the merchandise have been met, the merchandise shall be forwarded under a special manifest (Customs Form 7512) and in-bond labels or Customs seals to the representative of the Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs at the place at which the inspection or other treatment is to take place. No further release by the port director shall be required.

[28 FR 14710, Dec. 31, 1963, as amended by T.D. 78-99, 43 FR 13060, Mar. 29, 1978]

19 CFR 12.12 Release Under Bond

Plants or plant products which require fumigation, disinfection, sterilization, or other treatment as a condition of entry may be released to the permittee for treatment at a plant approved by the Department of Agriculture upon the giving of a bond on Customs Form 301, containing the bond conditions set forth in §113.62 of this chapter to insure that the merchandise is treated under the supervision and to the satisfaction of an inspector of the Department of Agriculture or returned to Customs custody when demanded by the port director.

[28 FR 14710, Dec. 31, 1963, as amended by T.D. 84-213, 49 FR 41167, Oct. 19, 1984]

19 CFR 12.13 Unclaimed Shipments

- A.** If plants or plant products enterable into the United States under the rules and regulations promulgated by the Secretary of Agriculture are unclaimed, they may be sold subject to the provisions of Subparts C and D of Part 127 of this chapter to any person to whom a permit has been issued who can comply with the requirements of the regulations governing the material involved.
- B.** Unclaimed plants and plant products not complying with the requirements mentioned in this section shall be destroyed, by burning or otherwise, under Customs supervision.

[28 FR 14710, Dec. 31, 1963, as amended by T.D. 74-114, 39 FR 12091, Apr. 3, 1974]

19 CFR 12.14 Detention

- A.** Port directors shall refuse release of all plants or plant products with respect to which a notice of prohibition has been promulgated by the Secretary of Agriculture under any of the various quarantines. If an importer refuses to export a prohibited shipment immediately, the port director shall report the facts to the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs and the United States attorney and withhold delivery pending advice from that Department.
- B.** In case of doubt as to whether any plant or plant product is prohibited, the port director shall detain it pending advice from the Department of Agriculture.

[28 FR 14710, Dec. 31, 1963, as amended by T.D. 78-99, 43 FR 13060, Mar. 29, 1978]

19 CFR 12.15 Disposition; Refund of Duty

Plants or plant products which are prohibited admission into the United States under Federal law or regulations and are exported or destroyed under proper supervision are exempt from duty and any duties collected thereon shall be refunded. (See 158.41 and 158.45(c) of this chapter.)

[28 FR 14710, Dec. 31, 1963, as amended by T.D. 72-258, 37 FR 20174, Sept. 17, 1972]

19 CFR 18.21 Restricted and Prohibited Merchandise

- A.** Merchandise subject upon importation to examination, disinfection, or further treatment under quarantines and Quarantine Division, Agricultural Research Service, Department of Agriculture, shall be released for transportation or exportation only upon written permission of, or under regulations issued by, that Bureau. (See §12.10 to §12.15 of this chapter.)

19 CFR 18.23 Change of Destination; Change of Entry

- A.** The foreign destination of such merchandise may be changed by the parties in interest upon notice to the district director at the port of exit from the United States. The district director at the port of exit, in his discretion, may report the application for a change of foreign destination to the district director at the port of entry.

- B.** Such merchandise may be entered for consumption or warehouse or under any other form of entry. If the merchandise is subject on importation to quarantine and regulations administered by the Bureau of Entomology and Plant Quarantine, it shall be entered for consumption or warehouse only upon written permission of, or under regulations issued by, that Bureau. (See §12.10 to §12.15 of this chapter.)

Animals and Animal Products

19 CFR 12.24 Regulations of the Department of Agriculture

- A.** The importation into the United States of domestic animals, animal products, and animal feeding materials is subject to inspection and quarantine regulations of the Department of Agriculture, Customs officers and employees are authorized and directed to perform such functions as are necessary or proper on their part to carry out such regulations of the Department of Agriculture.

Meat and Meat-Food Products

19 CFR 12.8 Inspection; bond; release

- A.** All imported meat, meat-food products¹ horse meat and horse meat-food products offered for entry into the United States are subject to the regulations prescribed by the Secretary of Agriculture under section 306, Tariff Act of 1930. Such meat, meat-food products, horse meat and horse meat-food products shall not be released from Customs custody prior to inspection by an inspector of the Animal and Plant Health Inspection Service, except when authority is given by such inspector for inspection at the importer's premises or other place not under Customs supervision.

¹ The term "meat and meat-food products," for the purpose of this section, shall include any imported article of food or any imported article which enters or may enter into the composition of food for human consumption, which is derived or prepared in whole or in part from any portion of the carcass of any cattle, sheep, swine, or goat, in such portion is all or a considerable and definite portion of the article.

Bees, Insects, Earthworms, and Like Organisms

19 CFR 12.17 Importation Restricted

The importation into the United States of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals is prohibited unless the importer holds a permit from the Department of Agriculture covering the specific product. The port director shall notify the Animal and Plant Health Inspection Service, Veterinary Services, Washington, DC, of the arrival of any such product, and detain it until he shall receive notice from that Department that a permit to import the shipment has been issued.

[28 FR 14710, Dec. 31, 1963, as amended by T.D. 78-99, 43 FR 13060, Mar. 29, 1978; T.D. 82-145, 47 FR 35476, Aug. 16, 1982]

19 CFR 12.18 Labels

Each separate container of such virus, serum, toxin, or analogous product imported is required by the regulations of the Department of Agriculture to bear the true name of the product and the permit number assigned by the Department of Agriculture in the following form: "U.S. Veterinary Permit No. -----," or an abbreviation thereof authorized by the Animal and Plant Health Inspection Service. Each separate container also shall bear a serial number affixed by the manufacturer for identification of the product with the records of preparation thereof, together with a return date.

[28 FR 14710, Dec. 31, 1963, as amended by T.D. 78-99, 43 FR 13060, Mar. 29, 1978]

19 CFR 12.19 Detention; Samples

- A. The port director shall detain all shipments of such products for which no permit to import has been issued pending instructions from the Department of Agriculture.
- B. Samples shall be furnished to the Department of Agriculture upon its request, and the port director shall immediately notify the consignee of any such request.

19 CFR 12.20 Disposition

Viruses, serums, or toxins rejected by the Department of Agriculture shall be released by the port director to that Department for destruction, or exported under Customs supervision at the expense of the importer if exportation is authorized by the Department of Agriculture.

19 CFR 12.31 Plant Pests

The importation in a live state of insects which are injurious to cultivated crops, including vegetables, field crops, bush fruits, and orchard, forest or shade trees, and of the eggs, pupae, or larvae of such insects, except for scientific purposes under regulations prescribed by the Secretary of Agriculture, is prohibited.² All packages containing live insects or their eggs, pupae, or larvae arriving from abroad, unless accompanied by a permit issued by the Department of Agriculture, shall be detained and submitted to the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs of that Department for inspection and determination of their admissibility into the United States.

[28 FR 14710. Dec. 31, 1963, as amended by T.D. 78-99, 43 FR 13060, Mar. 29, 1978; T.D. 82-145, 47 FR 35476, Aug. 16, 1982]

19 CFR 12.32 Honeybees and Honeybee Semen

- A.** Honeybees from any country may be imported into the U.S. by the Department of Agriculture for experimental or scientific purposes. All other importations of honeybees are prohibited except those from a country which the Secretary of Agriculture has determine to be free of diseases dangerous to honeybees.

2 (a) No person shall knowingly move any plant pest from a foreign country into or through the United States, or interstate, or knowingly accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this section to prevent the dissemination into the United States, or interstate, of plant pests. (7 U.S.C. 150bb(a)).

(b) The Secretary may refuse to issue a permit for the movement of any plant pest when, in his opinion, such movement would involve a danger of dissemination of such pests. The Secretary may permit the movement of host materials otherwise barred under the Plant Quarantine Act when they must necessarily accompany the plant pest to be moved. (7 U.S.C. 150bb(b)).

(c) As used in this chapter, except where the context otherwise requires.

“Plant pest” means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products or plants. (7 U.S.C. 150aa).